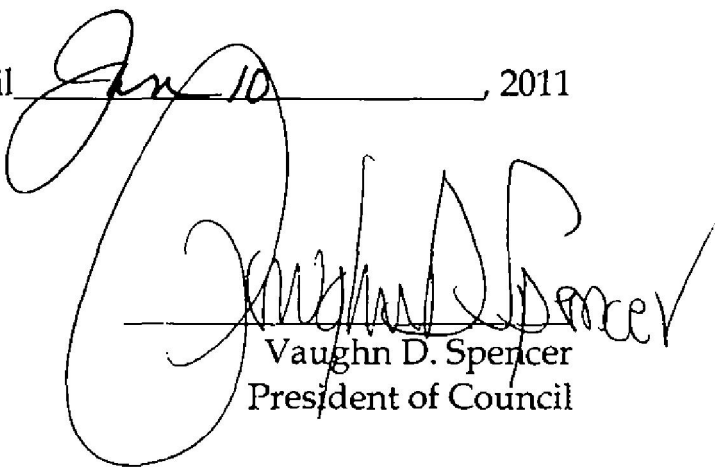


RESOLUTION NO. 4.2011

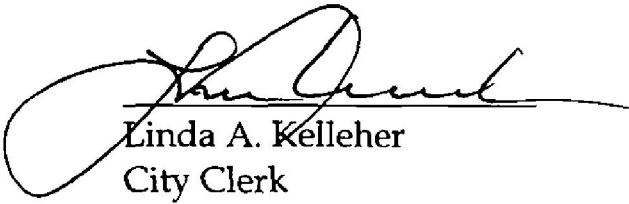
THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

Denying the Conditional Use application submitted by Fredi Sarmiento
requesting a zoning permit for a two (2) unit conversion at 245 South 4th
Street and orders that the property be deconverted to a one unit single family
property within six (6) months of the date this order.

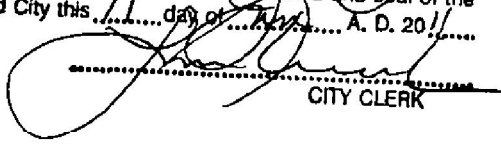
Adopted by Council Jan 10, 2011


Vaughn D. Spencer
President of Council

Attest:


Linda A. Kelleher
City Clerk

I, LINDA A. KELLEHER, City Clerk of the City
of Reading, Pa., do hereby certify, that the fore-
going is a true and correct copy of the original
Resolution passed by the Council of the City of
Reading, on the 10 day of Jan
A. D. 20 11. Witness my hand and seal of the
said City this 11 day of Jan A. D. 20 11.


CITY CLERK

IN RE: APPLICATION OF	: BEFORE THE CITY COUNCIL
FREDI SARMIENTO	: OF THE CITY OF READING,
FOR A CONDITIONAL USE	: PENNSYLVANIA
PERMIT FOR A TWO UNIT	:
CONVERSION AT 245 SOUTH	:
4 th STREET, READING, BERKS	:
COUNTY, PENNSYLVANIA	:

**DECISION OF THE CITY OF READING
CITY COUNCIL ON A CONDITIONAL USE APPLICATION**

AND NOW, this 10th day of January, 2011, hearings have been held on December 21, 2010, upon the application of Fredi Sarmiento, owner of 245 South 4th Street, notice of such hearing having been first sent, posted and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the City of Reading City Council (hereinafter "Council") renders the following decision:

FINDINGS OF FACT

City Council finds the following facts:

1. The Applicant is Fredi Sarmiento, "Applicant" with a registered address of 1978 Woodvale Avenue, Reading, PA 19606.
2. Applicant is the fee simple owner of the property of 245 South 4th Street at the time of application and at the time of the hearing.
3. The Subject Property is located in the R-3 Zoning District as that term and district is defined by the City of Reading Zoning Ordinance, as amended, (hereinafter referred to as "Zoning Ordinance").
4. Applicant is seeking a Conditional Use for the conversion of a single family property to a two (2) unit property as per the City of Reading Zoning Ordinance per §27-1203.D.

5. The Applicant did not attend the hearing or communicate regarding his inability to attend the hearing prior thereto.

6. The Legal Specialist for the City entered the agenda and all attachments on to the record. She also stated that after reviewing the property file she found no evidence that the property had been registered for rental use. She stated that the only zoning permit in the file was from 1979 and permitted a dry cleaner business in the first floor. This use has been abandoned returning the property to single family residential use.

7. The Legal Specialist for the City asked the Applicant or his representative to step to the podium two (2) times and no one responded.

DISCUSSION

The Applicant is seeking a Conditional Use Permit to convert the building located at 245 South 4th Street to a two (2) unit property. The building is located in an R3 zoning district. The City of Reading Zoning Ordinance §27-1203.D Conversions provides that the following standards are met:

D. Conversions. This section applies to an existing building where it is allowed by the zoning district regulations to be converted into new dwelling units:

1. A site plan, drawn to the scale, showing the location and dimensions of all off-street parking, private entrances, walkways and landscaping, shall be submitted, as well as, architectural plans showing the dimensions and square footage of all rooms and storage spaces and indicating the intended use of all rooms.
2. The conversion shall have the minimum floor area as designated by the following schedule:

Apartment Square Feet

Efficiency or Studio	Not Allowed
One Bedroom	550
Two Bedroom	700
Three or More Bedroom	850

3. For each dwelling unit, there shall be a minimum 1.5 off-street parking spaces per unit.
4. Documents indicating to the City Codes Staff's satisfaction that all plumbing, heating and electrical equipment and facilities are adequate and appropriate for the proposed use. The entire building shall also be made available for a code inspection.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Subject Property is located in the R-3 Zoning District.
2. Hearing was held on December 21, 2010.

3. Applicant requests a Conditional Use for a conversion of the Subject Property to a two (2) unit property.
4. The burden of proof in an application for a Conditional Use is upon the Applicant.
5. City of Reading City Council is permitted to grant Conditional Uses and other relief as set forth in the Zoning Ordinance of the City of Reading and Pennsylvania Municipalities Planning Code upon compliance with the requirements therefore set forth in the Zoning Ordinance.
6. In order to grant the relief, Applicant must show that it has satisfied §27-1203.D of the City of Reading Zoning Ordinance and met the conditions applied by City Council.
7. At the hearing, Applicant failed to provide proof that he satisfied the conditions of §27-1203.D of the City of Reading Zoning Ordinance and failed to provide the City with notice that he could not attend the scheduled hearing. Applicant was notified of the hearing via a letter mailed first class and certified to the Applicant's home address on November 24, 2010. Applicant never contacted the Council Office regarding his inability to attend the hearing or request a new hearing date.
8. Applicant did not file an application for other relief from the City of Reading Zoning Hearing Board.
9. Applicant did not provide sufficient proof that the existing facility conforms to the general character of other properties in the neighborhood and will not adversely affect the safety of the affected property owners. Applicant also failed to provide the required site plan of the units and the off-street parking spaces and documents showing that the property's plumbing, heating and electrical equipment and facilities are adequate and appropriate for the proposed use.

DECISION

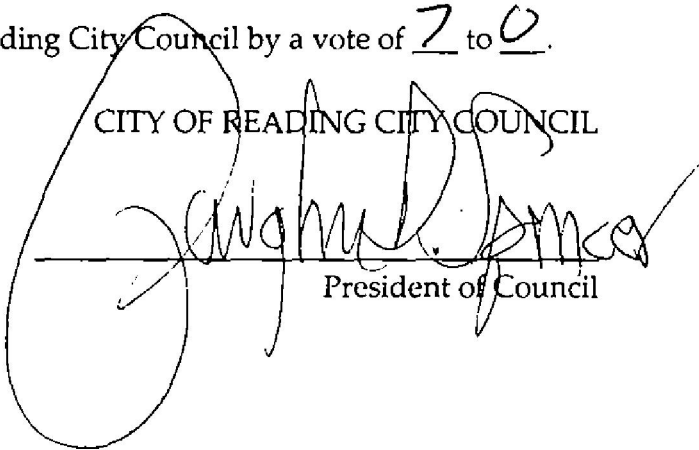
After reviewing the Applicant's request in detail, City Council enters the following decision:

The application of Fredi Sarmiento for a conditional use permit for a conversion to create two (2) units at 245 South 4th Street is hereby denied. .

City Council orders that the property be deconverted to a one unit, single family dwelling within six (6) months of the date of this order and a zoning permit therefor be obtained.

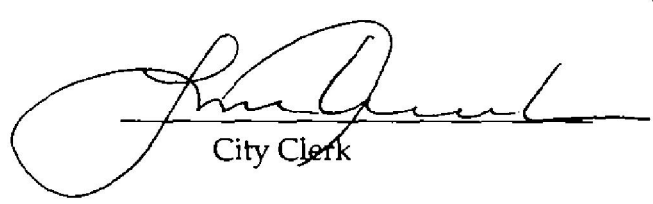
This is the decision of the City of Reading City Council by a vote of 7 to 0.

CITY OF READING CITY COUNCIL



President of Council

Attest:



City Clerk